

Washington, Saturday, January 13, 1940

Rules, Regulations, Orders

TITLE 7-AGRICULTURE

CHAPTER IX-DIVISION OF MAR-KETING AND MARKETING AGREE-MENTS

[Order No. 3, as Amended, Amendment 1]

PART 903-AMENDMENT No. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

903.0

903.14

Findings.

Liability.

903.3 Classification of milk. 903.4 Minimum prices. Reports of hand handlers. 903.5 Determination of uniform prices to producers. Payments for milk. 903.8 Expense of administration, Marketing services. 903.9 903.10 Unfair methods of competition. Market advisory committee.
Effective time, suspension and termination of order, as amended.

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, tentatively approved a marketing agreement, as amended, on March 10, 1939. and, effective April 5, 1939, issued an order, as amended, both of which regulate the handling of milk in the St. Louis, Missouri, marketing area; and

Whereas, the Secretary, having reason to believe that the execution of an amendment to said tentatively approved marketing agreement, as amended, and to the order, as amended, would tend to effectuate the declared policy of said act, gave, on the 22d day of September 1939, notice of a public hearing to be held at

St. Louis, Missouri, which hearing was held on the 3d, 4th, and 5th days of October 1939 on an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, and at said times and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on such proposed amendment; and

Whereas, after such hearing and after the tentative approval, on the 21st day of December 1939, by the Secretary, of a marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary determined, on the 8th day of January 1940, said determination being approved by the President of the United States on the 9th day of January 1940, that said refusal or failure tends to prevent the effectuation of the declared policy of said act, that the issuance of this amendment to said order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk for sale in said marketing area, and that this amendment is approved or favored by over 67 percent of the producers who voted in a referendum conducted by the Secretary and who, during the month of September 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the St. Louis, Missouri, marketing area; and

§ 903.0 Findings. Whereas, the Secretary finds, upon the evidence introduced at the last above-mentioned hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearings on said order and on other amendments thereto and to the other findings made prior to the time of the original issuance of said order and of other amendments thereto, which findings are hereby ratified and affirmed save only as such

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14 F.R. 1404 DI.

¹⁴ F.R. 1404 DI. *Amendments to Section 903.0, Sec. 903.3, Sec. 903.4, Sec. 903.5, Sec. 903.7, Sec. 903.8, Sec. 903.9, Sec. 903.10, Sec. 903.11, Sec. 903.12, Sec. 903.13, and Sec. 903.14 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934) 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. 601 et seq. (Supp. 1V 1938)

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findings are in conflict with the findings hereinafter set forth:

- 1. That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of said act, are not reasonable in view of the price of feed, the available supplies of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;
- 2. That this amendment to the order, as amended, and the order, as amended by this amendment, regulate the handling of milk in the same manner as, and are applicable only to handlers, defined in a marketing agreement upon which hearings have been held; and
- 3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, will tend to effectuate the declared policy of the act:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, effective April 5, 1939, be, and it is hereby amended, as hereinafter follows, and that such handling of milk in the St. Louis, Missouri, marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, conform to and be in compliance with said order as so amended.

- therefor the following:
- (c) Interhandler sales. Milk disposed of as milk or cream by a handler to another handler shall be apportioned to each class in the proportions that the quantity of milk disposed of in each class by the receiving handler bears to the total quantity of milk received by him, as reported pursuant to Sec. 903.5 (a), except that if the receiving handler has failed to submit the report required by Sec. 903.5 (a) prior to the time the uniform price of the selling handler is computed, pursuant to Sec. 903.7, such milk shall be apportioned to each class in the proportions that the total quantity of milk disposed of in each class by all handlers who have made the reports required by Sec. 903.5 (a) bears to the total quantity of milk received by such handlers; and milk disposed of by a handler to a person who is not a handler but who distributes or manufactures milk products shall be classified as Class I milk, provided, in any case, that if the selling handler, on or before the date fixed for filing reports pursuant to Sec. 903.5, furnishes to the market administrator a statement, which is signed by the purchaser and the selling handler, that such milk was used as Class II milk, such milk shall be classified accordingly, subject to verification by the market administrator.
 - 2. Add the following as Sec. 903.3 (e):
- (e) Computation of milk in each class. For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class, as defined in paragraph (b) of this section, as follows:
- (1) Determine the total pounds of milk received as follows: Add together (a) the hundredweight of milk received from producers, (b) the hundredweight of milk produced by him, if any, and (c) the hundredweight of milk received from handlers, if any.
- (2) Determine the hundredweight of Class I milk as follows: (a) convert to gallons the quantity of milk disposed of in the form of milk and multiply by 0.086, and (b) if the hundredweight of milk so computed when added to the hundredweight of Class II milk, computed pursuant to subparagraph (3) of this paragraph, is less than the total hundredweight of milk computed in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the hundredweight of milk determined pursuant to (a) of this subparagraph.
- (3) Determine the hundredweight of Class II milk as follows: (a) multiply the hundredweight of milk computed pursuant to subparagraph (1) of this paragraph by the average butterfat test thereof. (b) multiply the hundredweight of Class I milk computed pursuant to (a) of subparagraph (2) of this paragraph by the average butterfat test thereof, (c)

1. Delete Sec. 903.3 (c) and substitute | subtract the hundredweight of Class I milk, computed pursuant to (a) of subparagraph (2) of this paragraph, from the hundredweight of milk, computed pursuant to subparagraph (1) of this paragraph, (d) subtract the pounds of butterfat computed pursuant to (b) of this subparagraph from the pounds of butterfat computed pursuant to (a) of this subparagraph, (e) divide the quantity of butterfat computed pursuant to (d) of this subparagraph by the hundredweight of milk computed pursuant to (c) of this subparagraph, (f) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, and add together the resulting amounts, (g) divide the resulting sum by the average test of Class II milk computed pursuant to (e) of this subparagraph, and (h) add together the hundredweight of milk computed pursuant to (g) of this subparagraph and the hundredweight of milk allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of milk from producers).

- (4) Determine the classification of milk received from producers, as follows:
- (i) Subtract from the hundredweight of milk in each class the hundredweight of milk received from other handlers and apportioned to such class in accordance with paragraph (c) of this section.
- (ii) In the case of a handler who also distributes milk of his own production, subtract from the hundredweight of milk in each class a further amount computed in accordance with Sec. 903.6.
- 3. Delete Sec. 903.4 (a) and substitute therefor the following:
- (a) Class I prices. Each handler shall pay producers, in the manner set forth in Sec. 903.8, for Class I milk, not less than the following prices:
- (1) In the case of milk received at such handler's plant located in the marketing area, \$2.24 per hundredweight: Provided, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such price shall be \$1.78 per hundredweight:
- (2) In the case of milk received at such handler's plant located outside the marketing area, the price per hundredweight set forth in subparagraph (1) of this paragraph less the amount specified for the airline distance of such plant from the City Hall in St. Louis, as follows: within 5 miles, 4 cents; more than 5 miles but not in excess of 10 miles, 8 cents; more than 10 miles but not in excess of 15 miles, 12 cents; more than 15 miles but not in excess of 20 miles, 16 cents; more than 20 miles but not in excess of 30 miles, an additional 2 cents; more than 30 miles but not in excess of 40 miles, an additional 2 cents; and for each addi-

additional 1 cent.

- 4. Delete Sec. 903.4 (b) (1) and substitute therefor the following:
- (1) In the case of milk received at such handler's plant located in the marketing area, a price per hundredweight which shall be calculated by the market administrator, as follows: Multiply by 3.5 the average price per pound of 92score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is received, add 30 percent thereof and add 19 cents.
- 5. Delete Sec. 903.4 (d) and substitute therefor the following:
- (d) Sales outside the marketing area. The price to be paid by handlers for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, subject to a reasonable adjustment on account of transportation with respect to Class I milk moved from the handler's plant in the marketing area to the handler's plant outside the marketing area where such milk was loaded on wholesale and retail routes.
- 6. Add as Sec. 903.5 (b) (6) the following:
- (6) On or before the 5th day after the end of each delivery period, the amount and category of any payments to be made pursuant to Sec. 903.8 (e) with respect to milk received during such delivery period.
- 7. Delete Sec. 903.5 (d) and substitute therefor the following:
- (d) Verification of reports. Each handler shall permit the market administrator or his representative, during the usual hours of business, to (a) verify the information contained in reports submitted by such handler pursuant to this section, and (b) weigh, sample, and test milk for butterfat.

If, in the verification of the report of purchases and sales of the handler for any previous delivery period, the market administrator finds that differences occur between the reported and actual quantities of milk received or between the reported and actual quantities of milk disposed of in each class, he shall make an adjustment in the following manner: (a) recompute for such handler the uniform price for the delivery period for which the report of purchases and sales of milk is being verified, after making the adjustments in such quantities of milk necessary to account for such differences, and (b) add to, or subtract from, the value of milk in the current pool for such handler, computed pursuant to Sec. 903.7 (a), an amount repre-

tional 10 miles, in excess of 40 miles, an | uniform price previously announced pur- | under the act of Congress of February suant to Sec. 903.7 (b) (5) and the recomputed uniform price, the value of milk accounted for by such adjustment.

- 8. Delete the phrase marked (e) in Sec. 903.5 (e).
- 9. Reletter the phrase marked (f) in Sec. 903.5 (e) so that it will read (e) of Sec. 903.5 (e).
- 10. Delete Sec. 903.7 (a) and substitute therefor the following:
- (a) Computation of the value of milk for each handler. For each delivery period the market administrator shall compute, subject to the provisions of Sec. 903.6, the value of milk of producers disposed of by each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to Sec. 903.3 (a), by the price applicable pursuant to Sec. 903.4, and (b) adding together the resulting values of each class.
- 11. Delete Sec. 903.8 (e) and substitute therefor the following:
- (e) Additional payments. Any handler may make payments to producers in addition to the payments to be made pursuant to paragraph (a) of this section: Provided, That such additional payments shall be made on a uniform basis to all producers from whom milk meeting special quality, volume production, or evenness of production standards has been received.
- 12. Delete from Sec. 903.9 (a) the phrase which reads "an amount not exceeding 1 cent per hundredweight" and substitute therefor the following phrase: 'an amount not exceeding 2 cents per hundredweight."
- 13. Renumber Sections 903.10, 903.11, 903.12, and 903.13 as Sections 903.11, 903.12, 903.13, and 903.14.
 - 14. Add the following as Sec. 903.10:
- § 903.10 Marketing services—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payment made to each producer pursuant to Sec. 903.8 (a) (1) and (2), with respect to all milk of such producer received by such handler during the delivery period, and shall pay such deduction to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information: such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.
- (b) Producers' cooperative associations. In the case of producers for whom a cooperative association, which

18. 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler, in lieu of the deductions specified in paragraph (a) of this section, shall make the deductions from the payments made pursuant to Sec. 903.8 (a) (1) and (2), which are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative associations rendering such services of which such producers are members.

Now, therefore, Grover B. Hill, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute in duplicate and issue this amendment to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 11th day of January 1940, and declares this amendment to be effective on and after the 1st day of February 1940

GROVER B. HILL. Acting Secretary of Agriculture.

[F. R. Doc. 40-203; Filed, January 11, 1940; 4:12 p. m.]

TITLE 18—CONSERVATION OF POWER CHAPTER II—TENNESSEE VALLEY AUTHORITY

REGULATIONS GOVERNING TRANSACTIONS AND OPERATIONS IN TENNESSEE VALLEY AUTHORITY SECURITIES

Pursuant to the authority conferred upon the Tennessee Valley Authority (hereinafter referred to as the Corporation) by Section 15c of the Tennessee Valley Authority Act of 1933, as added July 26, 1939, Public No. 224, 76th Congress, the following regulations governing the issuance of Tennessee Valley Authority bonds and interim certificates (hereinafter referred to as securities); the payment of interest thereon; the granting of relief on account of the loss, theft, destruction, mutilation, or defacement of the securities; and other transactions and operations therein, are hereby promulgated.

1. Form of securities. The securities shall be in such forms and denominations, shall mature within such periods not more than fifty years from the date of their issue, may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein, shall bear such rates of interest not exceeding 31/2 per centum per senting, at the difference between the the Secretary determines to be qualified annum, shall be subject to such terms manner and amount, and sold at such prices, as may be prescribed by the Corporation with the approval of the Secretary of the Treasury: Provided, That such securities shall not be sold at such prices or on such terms as to afford an investment yield to the holders in excess of 31/2 per centum per annum. Such securities shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof. The Corporation may from time to time issue interim certificates temporarily in lieu of definitive securities, in such form and in such manner as the Corporation, with the approval of the Secretary of the Treasury, may determine. The securities shall be executed in the name of the Corporation and authenticated by the facsimile signature of the Chairman of its Board of Directors, and the seal of the Corporation shall be affixed. The principal and interest shall be payable, when due, at the Treasury Department, Washington, D. C., or at any government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for that purpose. A coupon security shall be payable to bearer and shall have attached interest coupons likewise payable to bearer representing interest payable semi-annually, such coupons being signed by the Corporation by the facsimile signature of the Chairman of its Board of Directors. A registered security and interest thereon shall be payable to the registered owner whose name is inscribed thereon or registered assigns. Definitive securities will be fully transferable, and those of the same class and series will be freely interchangeable as between the various authorized denominations. Unless otherwise provided by specific reference or plain context, the term "security" as used herein will be deemed to include interim certificates.

- 2. Transactions and operations. The United States Treasury Department will act as agent for the Corporation in connection with the transactions and operations hereunder. The general regulations of the United States Treasury Department now or hereafter in force governing transactions and operations in United States bonds, outstanding from time to time, and the payment of interest thereon, are hereby adopted, so far as applicable, as the regulations of the Corporation for similar transactions and operations in its securities and the payment of interest thereon.
- 3. Relief on account of lost, stolen, destroyed, mutilated or defaced securities. The statutes of the United States and the regulations of the United States Treasury Department now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities

issuance of substitute securities or the payment of lost, stolen, destroyed, mutilated or defaced securities and coupons.

- 4. Administration. The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered, on behalf of the Corporation, to administer the regulations governing any transactions and operations in securities, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. Any such regulations may be waived on behalf of the Corporation by the Secretary of the Treasury or the Acting Secretary of the Treasury or by any officer of the Treasury Department authorized to waive similar regulations with respect to United States securities, but only in any particular case where a similar regulation of the United States Treasury Department with respect to United States bonds or interest thereon would be waived.
- 5. Amendments. The Corporation reserves the right at any time or from time to time, with the approval of the Secretary of the Treasury, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations governing securities or interest thereon.

Adopted by the Board of Directors of the Tennessee Valley Authority at a meeting duly held on the 30th day of November, 1939.

> [SEAL] TENNESSEE VALLEY AUTHORITY. By HARCOURT A. MORGAN, Chairman, Board of Directors.

Approved, December 28, 1939. JOHN W. HANES,

Acting Secretary of the Treasury. [F. R. Doc. 40-206; Filed, January 12, 1940; 11:22 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service. [P. & S. Docket No. 402]

IN THE MATTER OF C. H. ACKER, DOING BUSINESS AS C. H. ACKER & COMPANY ET AL., MEMBERS OF THE CHICAGO LIVE STOCK EXCHANGE, PETITIONERS

ORDER AND NOTICE OF HEARING UPON PETI-TION FOR MODIFICATION

By orders dated January 8, 1934, and March 12, 1934, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. §§ 181-231), the Secretary of Agriculture prescribed reasonable rates and charges for selling and buying livestock at the Union Stock Yards, Chicago, Illinois. The Chicago Live Stock Exchange, and coupons, so far as applicable, and as through its officers and on behalf of its necessarily modified to relate to securities members operating at the Union Stock Agriculture of the United States of

and conditions, shall be issued in such of the Corporation, are hereby adopted as | Yards, Chicago, Illinois, filed petitions the regulations of the Corporation for the seeking modification of said orders so as to permit its members to increase certain rates and charges for their services. The reasons alleged for the modification sought are, in substance, as follows:

- 1. The complexion of the receipts has so changed that the unit handled has been reduced substantially without a corresponding reduction in the expense incurred per unit.
- 2. The costs of living and costs of doing business are constantly increasing
- 3. Taxes are increasing and additional expense is incurred in connection with the keeping of records required by law.
- 4. The Wages and Hours Law has increased the labor expense due to overtime pay and also due to increased labor necessary for keeping the required records.
- 5. The strike of the employees of the Union Stock Yard and Transit Company, extending from November 20, 1938, to December 4, 1938, was very expensive to the petitioners.

It appears that an opportunity for a hearing should be afforded to the petitioners and to all other interested parties, including the patrons of the petitioners. for the purpose of determining whether the orders heretofore made in this proceeding should be modified.

It is, therefore, ordered that P. & S. Docket No. 402 be reopened for the purpose of affording the petitioners and all other interested parties, including patrons of the petitioners, an opportunity to appear and present such evidence as may be relevant and material to the matters alleged in the petition.

It is further ordered, That the matter be set down for public hearing before an examiner on January 22, 1940, at 10:00 a. m. in Room 2860, South Building, United States Department of Agriculture, Washington, D. C.

It is further ordered, That this order and notice of hearing shall be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order and notice of hearing shall be served upon the Chicago Live Stock Exchange by registered mail.

Done at Washington, D. C., this 12th day of January 1940. Witness my hand and the seal of the Department of Agriculture.

GROVER B. HILL. [SEAT.] Assistant Secretary of Agriculture. [F. R. Doc. 40-207; Filed, January 12, 1940; 11:40 a. m.]

Division of Marketing and Marketing Agreements.

DETERMINATION OF SECRETARY OF AGRI-CULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HAN-DLING OF MILK IN THE ST. LOUIS, MIS-SOURI, MARKETING AREA

Whereas, H. A. Wallace, Secretary of

Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, tentatively approved a marketing agreement, as amended, on March 10, 1939, and, effective April 5, 1939, issued an order, as amended, both of which regulate the handling of milk in the St. Louis, Missouri, marketing area;

Whereas, the Secretary, having reason to believe that the execution of an amendment to said tentatively approved marketing agreement, as amended, and to the order, as amended, would tend to effectuate the declared policy of said act, gave, on the 22d day of September 1939, notice of a public hearing to be held at St. Louis, Missouri, which hearing was held on the 3d, 4th, and 5th days of October 1939 on an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, and at said times and place conduced a public hearing at which all interested parties were afforded an opportunity to be heard on such proposed amendment; and

Whereas, after such hearing and after the tentative approval, on the 21st day of December 1939, by the Secretary, of a marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign such tentatively approved marketing agreement, as

amended, relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement. amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the amendment to said order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the amendment to said order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of September 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Grover B. Hill, Act-

ferred upon the Secretary by Public Department of Agriculture to be affixed loans for the projects and in the hereto in the city of Washington, District of Columbia, this 8th day of January

> GROVER B. HILL. Acting Secretary of Agriculture. Approved:

FRANKLIN D. ROOSEVELT The President of the United States. Dated, January 9, 1940.

[F. R. Doc. 40-202; Filed, January 11, 1940; 4:12 p. m.]

Rural Electrification Administration. [Administrative Order No. 4241

ALLOCATION OF FUNDS FOR LOANS

JANUARY 5, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Amount Nebraska 8024B2 Lancaster District Public. _ \$10,000 7024B3 Lancaster Dis-Nebraska 7024 trict Public 20,000 New York 0018D1 N. Y. S. E. & G__ 370,000 Virginia 8038A1 Loudoun_____ 67,000

[SEAL]

HARRY SLATTERY. Administrator.

[F. R. Doc. 40-208; Filed, January 12, 1940; 11:40 a. m.]

> [Administrative Order No. 425] ALLOCATION OF FUNDS FOR LOANS

> > JANUARY 5, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Arkansas 7026W1 Fulton__ \$25,000

[SEAL]

HARRY SLATTERY. Administrator.

[F. R. Doc. 40-209; Filed, January 12, 1940; 11:40 a. m.]

[Administrative order No. 426] ALLOCATION OF FUNDS FOR LOANS

JANUARY 5, 1940.

By virtue of the authority vested in ing Secretary of Agriculture of the United | me by the provisions of Section 5 of the States, has executed this determination Rural Electrification Act of 1936, as in duplicate and has hereunto set his amended, I hereby allocate, from the Freer.

America, pursuant to the powers con-|hand and caused the official seal of the sums authorized by said Act, funds for amounts as set forth in the following schedule:

> Project designation: Georgia 8035R1 Walton \$25,000

HARRY SLATTERY, Administrator.

[F. R. Doc. 40-210; Filed, January 12, 1940; 11:40 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-114, G-125]

PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, COMPLAINANT, V. NEW YORK STATE NATURAL GAS CORPORATION, DEFENDANT, AND IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER POSTPONING DATE OF HEARING

JANUARY 10, 1940.

Commissioners: Claude L. Draper, Acting Chairman; Basil Manly, John W. Scott, Clyde L. Seavey. Leland Olds, not participating.

It appearing to the Commission that:

(a) On January 9, 1940, the New York State Natural Gas Corporation filed with the Commission a petition requesting that the further hearing in these proceedings, now scheduled to begin on January 23, 1940, be continued until the early part of February;

(b) Good cause has been shown for granting a continuance for a reasonable

period of time:

The Commission orders that:

The public hearing in these proceedings, now set for January 23, 1940, be and it is hereby postponed until February 7, 1940, at 10 o'clock a. m., in the offices of the Public Service Commission of the State of New York, 80 Centre Street, New York City, New York.

By the Commission.

[SEAL] LEON M. FUQUAY.

Secretary.

[F. R. Doc. 40-204; Filed, January 12, 1940; 9:45 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. [File No. 21-342]

IN THE MATTER OF PROPOSED TRADE PRAC-TICE RULES FOR THE RIPE OLIVE IN-DUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Ripe Olive Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than January 30, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., January 30, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 40-205; Filed, January 12, 1940; 10:22 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1940.

[File No. 44-55]

TIES CORPORATION

ORDER APPROVING ACQUISITION AND RETIRE-MENT OF PREFERRED STOCK

American States Utilities Corporation, a registered holding company, having received \$20,000 from a subsidiary, l

payment of demand notes, aggregating \$82,555, held by it, and having filed an application pursuant to Rule U-12C-1 promulgated under the Public Utility Holding Company Act of 1935, for approval of the acquisition and retirement with such moneys of shares of its 51/2% Cumulative Preferred Stock, par value \$25, by tender;

A public hearing on such application, as amended, having been held after appropriate notice; 1 the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered. That such acquisition and retirement of the aforesaid Preferred Stock by American States Utilities Corporation, in accordance with the terms and conditions of, and for the purposes represented by, said amended application, be and the same hereby is approved; provided, however,

- (1) that the applicant shall submit to the Commission at least five (5) days prior to the inviting of tenders, true copies of the letter inviting such tenders. and within said period the Commission reserves the right to order the applicant to make such changes as it considers necessary in the public interest and in the interest of investors and consumers;
- (2) that, within ten (10) days after such acquisition and retirement, the applicant shall file with this Commission a Certificate of Notification showing that such acquisition and retirement have been effected in accordance with the terms and conditions of, and for the purposes represented by, said amended application, and containing a statement of all tenders received by the applicant and a statement of all tenders accepted

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-211; Filed, January 12, 1940; 11:54 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1940.

[File No. 2-3930]

IN THE MATTER OF AMERICAN STATES UTILI- IN THE MATTER OF CONSOLIDATED GRAIN CORPORATION

STOP ORDER

This matter coming on to be heard by the Commission on the registration

Grimes Pass Power Company, in part statement of Consolidated Grain Corporation after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading; and

> The trial examiner having issued a report finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading: and

> The Commission having duly considered the matter, and finding that the report of the trial examiner is sup-ported by the evidence;

> It is ordered. That the findings of the trial examiner shall be adopted by the Commission as its own findings, and such findings shall be made a matter of public record; and

It is further ordered, Pursuant to Section 8 (d) of the Securities Act of 1933. that the effectiveness of the registration statement filed by Consolidated Grain Corporation be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-212; Filed, January 12, 1940; 11:54 a. m.]

United States of America-Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of January, A. D. 1940.

[File No. 31-466]

IN THE MATTER OF UNITED UTILITIES, INCORPORATED

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Commission consents to the withdrawal of the application of the above-named applicant, which was filed under Sections 3 (a) (1), 3 (a) (2), 3 (a) (3) and 3 (a) (4) of the Public Utility Holding Company Act of 1935, and to that effect

It is so ordered.

By the Commission.

FRANCIS P. BRASSOR, [SEAL]

Secretary.

[F. R. Doc. 40-213; Filed, January 12, 1940; 11:55 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January 1940.

[File No. 1-2755]

IN THE MATTER OF GENERAL TELEPHONE CORPORATION COMMON STOCK, \$20 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The General Telephone Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, \$20 Par Value, from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Thursday, February 1, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

Francis P. Brassor,
Secretary.

[F. R. Doc. 40-215; Filed, January 12, 1940; 11:56 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January, A. D. 1940.

[File No. 43-285]

IN THE MATTER OF SOUTHWESTERN GAS AND ELECTRIC COMPANY

ORDER CORRECTING COMMISSION'S NOTICE
OF AND ORDER FOR HEARING

Whereas on January 10, 1940, the Commission issued an order in a matter entitled "In the Matter of Southwestern Gas and Electric Company, File No. 43–284", which order gave notice of and ordered a hearing to be held, regarding the matter therein described, on January 26, 1940, at 10:00 a.m. in the Commission's Washington offices;

Whereas the file number of said matter, as it appeared in said order, should have read "File No. 43-285" instead of "File No. 43-284", but in all other respects said order was correctly and properly drawn;

It is ordered, That the title of said order shall be, and it hereby is, amended to read as follows:

"In the Matter of Southwestern Gas and Electric Company

"[File No. 43-285]"

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-214; Filed, January 12, 1940; 11:55 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of January, A. D. 1940.

[File No. 52-4]

IN THE MATTER OF DAVID C. PATTERSON, MAX J. MAUERMANN AND DAVID COPLAND, AS A COMMITTEE FOR HOLDERS OF FIRST AND REFUNDING MORTGAGE 6% BONDS, SERIES A, DUE DECEMBER 1, 1954, OF WEST OHIO GAS COMPANY

SUPPLEMENTAL ORDER APPROVING DOCUMENTS

The Commission having issued an order dated October 14, 1938, and a supplementary order dated November 15, 1938, approving a plan of reorganization for West Ohio Gas Company; and having recited in said order of October 14, 1938, that the requirements of Section 7 of the Public Utility Holding Company Act of 1935 had been satisfied in respect of the securities to be issued pursuant to said plan, subject, however, to requisite authorization of said securities by The

¹5 F.R. 136 DI.

Public Utilities Commission of Ohio, and subject, also, to further consideration of the definitive documents and a more specific statement of the terms and conditions of said securities, for which purpose jurisdiction was retained; and having also reserved jurisdiction in said order of October 14, 1938, pursuant to Rule U-11F-1 (e), to consider any amendments modifying the plan or any other amendments filed subsequent to the approval therein granted; and

Amendments having been subsequently filed on September 19, 1939, and November 13, 1939, containing (among other things) copies of certain documents entitled "Certificate of Amendment to the Articles of Incorporation and Certificate of Reduction of Stated Capital of West Ohio Gas Company", "Code of Regulations", and "First Mortgage and Deed of Trust", respectively, together with certain opinions of counsel relative to the aforesaid documents; and there having been filed a stipulation dated December 21, 1939, whereby counsel for the above-named applicants and counsel to the Commission stipulated and agreed that a copy of the "Code of Regulations" in the form attached thereto might be introduced and made part of the record herein; and notice and opportunity for hearing concerning the aforesaid matters having been duly given pursuant to Rule U-11F-1 (f); and the Commission having considered the record herein,

It is ordered, That the aforesaid stipulation and copy of the "Code of Regulations" attached thereto be, and they hereby are, incorporated in and made a part of the record of these proceedings; and

It is further ordered, That said "Code of Regulations", "Certificate of Amendment to the Articles of Incorporation and Certificate of Reduction of Stated Capital of West Ohio Gas Company", and "First Mortgage and Deed of Trust" (each in its most recently amended form) be, and the same hereby are, approved as being consistent with the plan and appropriate to carry out its provisions; subject, however, to requisite authorization by The Public Utilities Commission of Ohio of the securities to be issued pursuant to said documents, and subject to the condition that a copy of any order of said Public Utilities Commission of Ohio authorizing said securities be filed with this Commission within 10 days after the date of such order, together with a copy of any application by the company to said Public Utilities Commission of Ohio requesting such authorization.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 40-216; Filed, January 12, 1940; 11:56 a. m.]